



## Raj Sahonte

Call: 1987

✉ [raj.sahonte@newsquarechambers.co.uk](mailto:raj.sahonte@newsquarechambers.co.uk)

☎ +44 (0) 20 7419 8000

*"Passionate about the clients and their issues. He really makes clients and solicitors feel as if he has their backs."*

### **Chambers UK Bar 2019**

### **Practice Overview**

Raj is a chancery practitioner with a focus on real property, probate and public rights over land which include: Town & Village Greens, Rights over Commons, Highways and Wayleaves including stationing Telecommunications apparatus.

Directory acknowledgements include:

*"Sensible, straightforward and smart. He knows his law."*

Chambers UK 2018

*"Raj is a sound, sound chancery lawyer and a good performer."*

Chambers UK Bar, 2018

*"He is extremely approachable, very user-friendly, and nothing is too much trouble for him. He always fights your corner."*

Chambers UK, 2017

### **Property**

#### **Real Estate**

Raj is well known in the arena of real estate litigation. He has acquired a depth of knowledge and insight having acted for landlords, tenants, developers and local authorities. His directory acknowledgements include:

*"His in-depth knowledge of property law is enviable."*

Legal 500 2017

*"He is extremely knowledgeable, good with clients and firm with judges."*

Chambers UK 2015

*"He is technically excellent"*

Legal 500 2014

#### **Recent Cases:**

*Katz v Tovagliari* Ch.D David Blunt Q.C (2015 unreported)

Acting successfully for Claimant in action for rectification of Lease after the fixed term came. Defendant cross claimed arguing relief should be refused by reason of delay, estoppel and hardship.

*Shaw v Grouby* [2017] EWCA Civ 233

Represented Respondent in the Court of Appeal after a 6-day trial on legal issues including the nature and effectiveness of restrictive covenants, the size of parcels, construction of the transfer, trespass and use of

extrinsic evidence. The principal ground of appeal, for which a re-trial was sought that the trial was conducted unfairly. Appeal was dismissed on all grounds.

*Hyde v Simple Skips* [2017] EWHC 3087

Represented Defendant in a damages claim for trespass to land on the ending of a license to operate a waste transfer facility where the principal issue was ascertaining the correct measure of damages.

### **Public Rights over Land**

Raj successfully has acted for landowners, developers and local authorities in challenges to and against manifold public rights over land in the Inquiry arena.

*"Raj is a sound, sound chancery lawyer and a good performer."*

Chambers UK 2018

*"He gets on well with clients, is calm and considered in his opinions and often comes up with different approaches to the same problem."*

Chambers UK 2016

*"He is extremely knowledgeable, good with clients and firm with judges."*

Chambers UK 2015

### **Recent Cases:**

*Cabeltel v Brookwood Cemetery* [2002] EWCA 720

Raj acted successfully for the Respondent in a landowner's appeal against the right of the cable company to acquire the right to lay cable at a rate fixed by the court. This was the first reported case in the Court of Appeal where the method of ascertaining the value of the right to install apparatus was questioned.

### **Public Inquiries:**

#### **Village Greens**

Freshwater East. The Burrows. Pembrokeshire. West Wales

Acting for a developer against the registration of 30 Hectare of coastland. The application was dismissed principally on the ground that the use was contentious within the inquiry period given amongst other matters that the Applicants had brought a private law claim over the developer's building plots asserting various easement.

Hawtin Park Fields, Pontllanfraith, Blackwood. South Wales

Raj appeared for the developer of a valuable 24 Acre site that had planning permission granted for over 100 residential units and commercial units. The application was rejected as the evidence showed the assertion of linear rights of access as opposed to recreational use over the wider area. Additionally, access had been taken by breaching hedgerows and fences.

Hunters Moon Green. Dartington. Devon

Raj acted for a Charity landowner where registration was sought over two parcels bisected by public path. The owner intended to build housing as infill. The application for registration was defeated on the basis that use was had by breaching hedgerows and in defiance of signage.

Westward Ho. The Park. North Devon

Acting for a local authority who intended to take the 0.6-hectare and utilise 60% of it for infill housing and use the balance as a recreational facility. The application was defeated on the basis that the land had been acquired under powers that intended recreational user and also use was contentious.

### **Highways**

Wighill Lane. Tadcaster. Yorkshire

Raj acted for a private landowner in a 3-week Inquiry with over 40 witnesses called. The claim for a deemed dedication under the Highways Act 1980 was defeated. The claim at common law was also defeated because the

land was in mortgage and subject to an overage covenant for a significant part of the time when common law dedication was to be inferred. Further, the right had been brought into question in 2003 by closure meant absent the new owner throwing open the right he was entitled to rely on his predecessor having made any right of way contentious.

## Trusts, Wills & Estates

### Probate

Raj's work in this field embraces all aspects of succession. He has acted for clients on all sides of challenges to testamentary provision.

"He is extremely approachable, very user-friendly. Nothing is too much trouble and he always fights your corner and will argue everything with the other side. He has a great deal of knowledge particularly in connection with contested probate and property litigation."

Chambers UK 2017

### Recent Cases:

*Legg & Burton v Burton & Burton* [2017] 4 W.L.R. 186

Raj acted in an unusual case for the beneficiaries of a mirror will, which was said to also represent a mutual will agreement. This decision is the first reported decision in 7 years. It deals at length with issues concerning the basis of the mutual will agreement, elements of proof and a discussion on whether section 2 of the Law of Property (Miscellaneous Provisions) Act 1989 impacts upon any relevant mutual will agreement.

## Additional Information

### Qualifications / Education

Brunel University

LLB(Hons)

### Professional Appointments

ACI Arb

### Memberships

Chancery Bar Association

Chartered Institute of Arbitrators

Welsh Commercial Law Association

### Languages

Punjabi, Hindi & Urdu: Fluent

### Public Access

Yes

### ADR

Yes

## Cases

### Raj Sahonte successfully sees off multiple challenges to the substantive validity of a Will.

**Reference:** Todd v Parsons and others [2019] EWHC 3366 (Ch).

**Date:** 12 Dec 2019

**Court:** Chancery Division

Raj Sahonte of New Square Chambers, acting for the Claimant after a 7 day trial successfully sees off multiple challenges to the substantive validity of a Will. This included challenges that the Will was produced by the use of

undue influence and fraudulent calumny.

**Judge:**

**Practice Area:** Trusts, Wills & Estates

**New Square Chambers**

12 New Square

Lincoln's Inn

London

WC2A 3SW

DX: 1056 London/Chancery Lane

**Contact**

+44 (0) 20 7419 8000

[clerks@newsquarechambers.co.uk](mailto:clerks@newsquarechambers.co.uk)

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